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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,061	04/01/2002	Colin Morgan Wright	000035-042	8680
21839	7590	11/18/2003	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/019,061	WRIGHT, COLIN MORGAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven M Marsh	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 August 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5,7,9,12-16 and 20-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,7,9,12-16 and 20-29 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

This is the second office action for U.S. Application 10/019,061 for a Frame Structure for an Enclosure for Electrical Equipment filed by Colin Morgan Wright on April 1, 2002. Claims 6, 8, 10, 11, and 17-19 have been canceled.

***Claim Rejections - 35 USC § 103***

Claims 1-5, 7, 9, 12-16, and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Essig et al. in view of Patent GBR Patent 1,410,762 to Bloohn. Essig et al. discloses a frame structure with a plurality of elongate members (72, 74, 76) of bent sheet metal that are joined together at corners of the structure. The frame structure has a corner joint at which two horizontal frame members (72 and 76) and one vertical frame member (74) are joined together, with each including portions which are juxtaposed to one another (83 and 85 of each member) and are secured together by a common fastener (80 or 82) engaging the juxtaposed portions. The frame members have further portions that are juxtaposed to one another and extend substantially horizontal and transverse to the planes of the first juxtaposed portions. There are holes in the juxtaposed portions and a second fastener passes through the holes (80 or 82) to engage two of the three frame members.

A first one of the frame members is vertical and of hollow section and a second one of the frame members passes through an opening in the first frame member (see fig. 3, between 48 and 50). The structure includes eight corner

joints that are all substantially identical to each other and the structure is substantially cuboidal (fig. 1).

Essig et al. does not disclose openings in the walls of a first frame member whereby second and third frame members pass through the openings and the third member passes through an opening in the second member, and whereby the members are secured by a common fastener engaging the juxtaposed portions of the three members. The '762 patent discloses three frame members wherein a first, vertical frame member (11) of hollow section has two walls with openings (20 and 22), one of the openings being rectangular. Second and third frame members (16, also of hollow section and 12) pass through the openings in the wall of the first member. The third member also passes through an opening (21) in a wall of the second member. Fasteners (24) are extended through openings in the first and third members (23 and 25), as well as the second member (the hole portions at the end) to further secure the structure. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a vertical member with holes for the frame taught by Essig et al., for receiving two horizontal members, and also to have provided a hole in one of the horizontal members for receiving the other horizontal member, as taught by the '762 patent, for the purpose of further securing the corners of a frame structure.

***Response to Arguments***

Applicant's arguments filed August 19, 2003 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Essig et al. teaches the concept of three juxtaposed portions of three frame members connected together and secured to form a frame. Bloohn discloses a frame structure and a means for connecting the corner portions of a frame structure. Bloohn also teaches the concept of three frame members secured together by passing one through an opening in a wall of another, the three members secured by a common fastener. It would have been obvious to one of ordinary skill in the art to have utilized the teaching of Bloohn to further secure the frame taught by Essig et al.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

*SM*  
Steven Marsh

November 12, 2003

*L.A.B.*  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER